

Appl. No. 09/996,630
Reply to Advisory Action of July 28, 2005

REMARKS

Claims 1-22 and 51-54 are pending in the application. Claims 23-50 have been canceled. A Notice of Appeal was filed on July 7, 2005. This request for reconsideration is being filed in an effort to resolve the remaining issue prior to the filing of an Appeal Brief.

Allowed Claims

The Examiner is thanked for allowing claims 18-22 and 53-54.

Claim Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-17 and 51-52 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. The Examiner states that the claims are rejected since the specification "does not disclose the statistical significance value or probability level of significance." Applicants would like to call the Examiner's attention to paragraph 7 on page 3 of the Declaration of Steven Haney, Ph.D. filed on November 15, 2004, which states that "the identified markers, KIAA 18 and KIAA 96, were found to be *significantly* ($p < 0.05$) and differentially expressed between the *diseased* and *normal* tissues." A copy of the Declaration is included herewith. A p-value less than 0.05 is the most commonly used level of statistical significance. This value has become widely accepted by those skilled in the art as the threshold value for declaring statistical significance. Accordingly, the Examiner is respectfully requested to reconsider the enablement rejection of claims 1-17 and 51-52.

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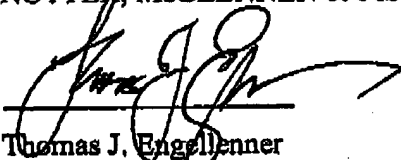
CONCLUSION

In summary, reconsideration is respectfully requested for all the reasons set forth above. A further Advisory Action is respectfully requested prior to the September 7, 2005 deadline for filing the Appeal Brief. In the event that the remarks are not deemed to overcome the grounds for rejection, the Examiner is kindly requested to telephone the undersigned attorney to discuss any remaining issues.

Respectfully submitted,

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